



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 30, 2020

By ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Ricardo Garcia Diaz*, 20 CR 140 (LAK)

Dear Judge Kaplan,

The Government writes on behalf of the defendant to request respectfully a further extension of approximately three weeks of the pre-trial motion schedule. The Government consents to this request with the expectation, which is shared by the defendant, that the request will not impact the ability of the parties to proceed to trial before the Court as previously scheduled on October 19, 2020. In particular, the defendant proposes an extension of any pre-trial motions from August 3, 2020 to August 24, 2020, the response of the Government from August 17, 2020 to September 7, 2020, any reply from August 24, 2020 to September 14, 2020, with a corresponding adjournment of the conference or, if necessary, oral argument on any pre-trial motions from September 10, 2020 to a date and time of convenience for the Court in the week of September 28, 2020. The Government understands that the defendant continues to review and consult with counsel concerning the discovery provided to date as well as the possibility of any pre-trial motions or any pre-trial dispositions, discussions that the ongoing circumstances of the coronavirus pandemic have complicated and prolonged. As discussed with counsel, the Government also notes for the Court that discovery is not complete insofar as laboratory reports describing the analysis of the controlled substances underlying the charges of the indictment are not yet available, though they are expected to be completed and in turn disclosed in or about the

Memorandum Endorsement

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The request is granted to the following extent.

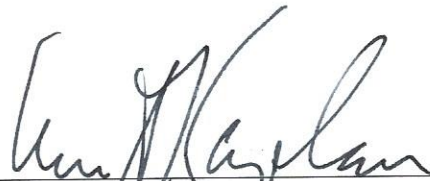
1. Pretrial motions by defendant shall be filed on or before August 24, 2020, the government's response on or before September 7, 2020, and any reply on or before September 14, 2020.

2. The oral argument or conference previously scheduled for September 10, 2020 is postponed until noon on September 22, 2020. Counsel for defendant shall advise the Court in writing by August 7, 2020 whether defendant contends that he has a right, or in any case wishes, to be present for the argument or conference. In the event that it is claimed that defendant has a right to be present and declines to waive any such right, the schedule may have to be adjusted depending upon the ability to obtain defendant's presence on this schedule.

3. Time is excluded for Speedy Trial Act purposes to and including September 22, 2020. The Court finds that the interests of justice served thereby outweigh the interests of the public and the defendant in a speedy trial for the reasons set forth in the government's letter of July 30, 2020.

SO ORDERED.

Dated: August 2, 2020

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan
United States District Judge